

Chapter 4

IMPLEMENTATION

Introduction

A program of implementation to protect beneficial uses and to achieve water quality objectives is an integral component of this Basin Plan. The program of implementation is required to include, but is not limited to:

- A description of the nature of actions ~~which that~~ are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private.
- A time schedule for the actions to be taken.
- A description of surveillance to be undertaken to determine compliance with objectives.
(CA Water Code § 13242)

The surveillance activities needed to determine compliance with objectives are described in Chapter 6, "Monitoring and Assessment." The remaining requirements are fulfilled by this Chapter.

This Chapter includes discussions of general control actions and related issues, a description of the Region's Nonpoint Source Program, and discussions of specific types of activities and their related water quality problems, control actions and time schedules for the actions to be taken. Control actions specific to the Lake Tahoe Basin are included in Chapter 5 of this Plan. Detailed descriptions of waterbodies with their specific water quality problems are included in the Region's Geospatial Waterbody System (GeoWBS) database.

General Control Actions and Related Issues

The Regional Board regulates the sources of water quality related problems ~~which that~~ could result in actual, or potential, impairments of beneficial uses or degradations of water quality. The Regional Board regulates both point and nonpoint source discharge activities. A point source discharge generally originates from a single, identifiable source, while a nonpoint source discharge comes from diffuse sources. To regulate the point and nonpoint sources, control actions are required for effective water quality protection and management. Such control actions are set forth for implementation by the State Board, by other agencies with water quality or related authority, and by the Regional Board.

Control Actions under State Board Authority

The State Board has adopted several statewide or areawide water quality plans and policies ~~which that~~ complement or may supersede portions of this Basin Plan. These plans and policies may include specific control measures. Some State Board plans and policies do not affect waters of the Lahontan Region. See Chapter 6, "Plans and Policies," for summaries of the most significant State Board plans and policies ~~which that~~ do affect the Lahontan Region.

Control Actions to be Implemented by Other Agencies with Water Quality or Related Authority

Water quality management plans prepared under Section 208 of the Federal Water Pollution Control Act (Clean Water Act) have been completed by various public agencies. These Section 208 plans, as well as other plans adopted by federal, state, and local agencies, may affect the Regional Board's water quality management and control activities. A summary of relevant water quality management plans is included in Chapter 6, "Plans and Policies." The Regional Board can also be party to official agreements with other agencies, such as memoranda of understanding (MOUs) or management agency agreements (MAAs), ~~which that~~ recognize and rely on the water quality authority of other agencies.

Control Actions under Regional Board Authority

Control measures implemented by the Regional Board must provide for the attainment of this Basin Plan's beneficial uses and water quality objectives (see Chapter 2, "Beneficial Uses," and Chapter 3, "Water Quality Objectives"). In addition, the control measures must be consistent with State Board and Regional Board plans, policies, agreements, prohibitions, guidance and other restrictions and requirements. The most significant Regional Board policies are described in Chapter 6, "Plans and Policies."

To prevent water quality problems, waste discharge restrictions are often used. The waste discharge restrictions can be implemented through Water Quality Certification, National Pollutant Discharge Elimination System (NPDES) permits, waste discharge requirements/permits (WDRs), ~~conditional waivers of WDRs,~~ discharge prohibitions, enforcement actions, ~~and~~ special designations, ~~and/or "Best Management Practices" (BMPs).~~ Generally, ~~WDRs and NPDES permits are used to~~

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~~regulate point sources of waste, with BMPs used to control nonpoint sources of waste.~~

Water Quality Certification-

Clean Water Act Section 401 Water Quality Certification (Water Quality Certification) gives the Regional Board extremely broad authority to review proposed activities in and/or affecting the Region's waters. The Regional Board can then recommend to the State Board that it grant, deny, or condition certification of federal permits or licenses that may result in a discharge to "waters of the United States."

National Pollutant Discharge Elimination System (NPDES)-

NPDES permits are issued to regulate discharges of waste to "waters of the nation" including discharges of storm water from urban separate storm sewer systems and certain categories of industrial activity. Waters of the nation are surface waters such as rivers, lakes, bays, estuaries, oceans, etc. The permits are authorized by Section 402 of the federal Clean Water Act and Section 13370 of the California Water Code. The permit content and the issuance process are contained in the Code of Federal Regulations (40 CFR Part 122) and Chapter 9 of the California Code of Regulations. Regional Water Boards are authorized to take a variety of enforcement actions to obtain compliance with a NPDES permit. Enforcement may be only a simple order requiring the discharger to take corrective action to comply with the terms of its permit or may be an order prescribing civil monetary penalties.

NPDES permits are required to prescribe conditions of discharge ~~which-that~~ will ensure protection of beneficial uses of the receiving water as described in this Basin Plan, water quality control plans adopted by the State Water Board for inland surface waters, enclosed bays and estuaries, the ocean, and water quality control policies adopted by the State Water Board for specific types of discharges or uses of waste water.

In addition to regulating discharges of waste water to surface waters, NPDES permits also require municipal sewage treatment systems to conduct pretreatment programs if their design capacity is greater than 5 million gallons per day. Smaller municipal treatment systems may be required to conduct pretreatment programs if there are significant industrial users of their systems. The pretreatment programs must comply with the federal regulations at 40 CFR Part 403.

The U.S. Environmental Protection Agency has approved the State's program to regulate discharges of waste water to "waters of the nation." The State, through the Regional Water Boards, issues the NPDES permits, reviews discharger self-monitoring reports, performs independent compliance checking, and takes enforcement actions as needed. State authority to issue compliance schedules for effluent limitations in NPDES permits is summarized below in the section on "Compliance Schedules in NPDES Permits."

Waste Discharge Requirements (WDRs)-

The California Water Code authorizes Regional Water Boards to regulate discharges to land to protect water quality. Regional Water Boards issue WDRs in accordance with Section 13263 of the California Water Code. Regional Water Boards are authorized to review WDRs periodically. Regional Water Boards issue WDRs, review self-monitoring reports submitted by the discharger, perform independent compliance checking, and take necessary enforcement action. The California Water Code authorizes the Regional Water Boards to issue enforcement actions (see below) ranging from orders requiring relatively simple corrective action to monetary penalties in order to obtain compliance with WDRs.

Waivers of WDRs-

Regional Water Boards may waive the requirement for filing a report of waste discharge or for issuance of WDRs pursuant to CA Water Code § 13269 if the Regional Water Board determines, after any necessary state board or regional board meeting, that such waiver is consistent with any applicable state or regional water quality control plan and is ~~in not against~~ the public interest. ~~The requirement to submit a Report of Waste Discharge can also be waived.~~ WDRs and report filing requirements can be waived for a specific discharge or types of discharges. Such waivers may also be issued by the State Board. A waiver ~~of WDRs~~ is conditional and may be terminated at any time by the State or Regional Board and must be renewed after no more than five years to remain in legal effect. ~~Regional Water Boards may delegate their authority to waive WDRs to the Regional Water Board Executive Officer in accordance with policies adopted by the Regional Water Board and approved by the State Water Board. The Regional Board's general policy regarding waivers is described in Chapter 6, "Plans and Policies."~~

Mixing Zones

The State Board has adopted conditions for use of

mixing zones and dilution credits for toxic priority pollutants in the “Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California Policy” (State Board Res. No. 2005-0019). This policy is commonly referred to as the “State Implementation Policy” or SIP. A copy of the SIP is included in Appendix B of this Basin Plan. The standards implemented through the SIP are those promulgated by the USEPA in the National Toxics Rule and California Toxics Rule, and the narrative water quality objectives for toxicity in Basin Plans.

The Regional Board may grant mixing zones and dilution credits in NPDES permits for toxic priority pollutants in accordance with the SIP. The Regional Board may grant mixing zones and dilution credits in NPDES permits for pollutants not covered by the SIP and may grant mixing zones and dilution credits in WDRs for toxic, conventional (as defined by Clean Water Act section 304(a)(4)), and non-conventional (other than toxic or conventional) pollutants under any of the following conditions.

A mixing zone shall be as small as practicable. The following conditions must be met in allowing a mixing zone:

A. A mixing zone shall not:

- (1) compromise the integrity of the entire water body;
- (2) cause acutely toxic conditions to aquatic life passing through the mixing zone;
- (3) restrict the passage of aquatic life;
- (4) adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws;
- (5) produce undesirable or nuisance aquatic life;
- (6) result in floating debris, oil, or scum;
- (7) produce objectionable color, odor, taste, or turbidity;
- (8) cause objectionable bottom deposits;
- (9) cause nuisance;
- (10) dominate the receiving water body or overlap a mixing zone from different outfalls; or
- (11) be allowed at or near any drinking water intake. A mixing zone is not a source of drinking water pursuant to the Sources of Drinking Water Policy (State Board Res. No. 88-63).

B. The Regional Board shall deny or significantly limit a mixing zone and dilution credit as necessary to protect beneficial uses or comply with other regulatory requirements. Such situations may exist based upon the quality of the discharge, hydraulics of the water body, or the overall discharge environment (including water column chemistry, organism health, and potential for bioaccumulation).

If the Regional Board allows a mixing zone and dilution credit, the permit or WDR shall specify the method by which the mixing zone was derived, the dilution credit granted, and the point(s) in the receiving water where the applicable criteria/objectives must be met. The application for the permit or WDR shall include, to the extent feasible, the information needed by the Regional Board to make a determination on allowing a mixing zone, including the calculations for deriving the appropriate receiving water and effluent flows, and/or the results of a mixing zone study. If the results of the mixing zone study are unavailable by the time of permit or WDR issuance/reissuance, the Regional Board may establish interim requirements.

Prohibitions and ~~Exceptions-Exemptions to from~~ Prohibitions.

~~The Regional Board can prohibit specific types of discharges to certain areas~~ has the authority to “specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted” (CA Water Code § 13243). These discharge prohibitions may be adopted, revised, or rescinded, ~~or adopted~~ as necessary. ~~The Regional Board has adopted both regionwide and watershed-specific discharge prohibitions that are described in the “Waste Discharge Prohibitions” sections 4.1 and 5.2 of this Chapter~~ Basin Plan. For certain circumstances discharges and activities, the Regional Board ~~will allow exceptions to some of these~~ may grant exemptions from certain prohibitions. ~~Prohibition exceptions-exemptions are discretionary actions of the Regional Board, are conditional, and are allowed under the circumstances are also described in the “Waste Discharge Prohibitions” section of this Chapter~~ Sections 4.1 and 5.2. Chapter 6 of this Basin Plan also identifies State and Regional Board plans and policies that include exemptions from waste discharge prohibitions.

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Enforcement Actions-

To facilitate remediation of water quality problems, or in instances where waste discharge restrictions or other provisions of this Basin Plan are violated, the Regional Board can use different types of enforcement measures. These measures can include:

- A written **Notice to Comply** can be issued for minor violations during field inspections by Regional Board staff, at the discretion of the inspector. The Notice is issued to a representative of the facility being inspected, and states the nature of the alleged violation, a means to comply, and a time limit for compliance (not to exceed 30 days). The violator must sign and return the notice to the Regional Board within five working days of achieving compliance. If compliance is achieved within the stated time limits, and if the case is not subject to a fine under federal law, the violation is not subject to civil penalties. (The law establishing the authority for the Notice to Comply does not limit the Regional Board's authority for criminal enforcement or its ability to cooperate in criminal enforcement proceedings.) The Regional Board may take other enforcement actions upon failure to comply or if necessary to prevent harm to public health or the environment. A Notice to Comply cannot be used for a knowing, willful, or intentional violation, for a case where the violator benefits economically for noncompliance, for chronic violations, or a recalcitrant violator, or for violations ~~which-that~~ cannot be corrected within 30 days.
- A **Notice of Violation** or NOV is a letter formally advising a discharger in noncompliance that additional enforcement actions may be necessary if appropriate corrective actions are not taken.
- A **Time Schedule Order** or TSO (CA Water Code § 13300) is a time schedule for specific actions a discharger shall take to correct or prevent violations of requirements. A TSO is issued by the Regional Board for situations in which the Board is reasonably confident that the problem will be corrected.
- A **Stipulated Penalty Order** (CA Water Code § 13308) is an order that specifies a time schedule for compliance with another enforcement order and prescribes civil penalties that are due if compliance is not achieved in accordance with that schedule. The amount of the civil penalty

shall be based upon the amount reasonably necessary to achieve compliance.

- A **Cleanup and Abatement Order** or CAO (CA Water Code § 13304) is an order requiring a discharger to clean up a waste or abate its effects or, in the case of a threatened pollution or nuisance, take other necessary remedial action. A CAO can be issued by the Regional Board or by the Regional Board Executive Officer for situations when immediate action is needed on an urgent problem from regulated or unregulated discharges ~~which-that~~ are creating or threatening to create a condition of pollution or nuisance.
- A **Cease and Desist Order** or C&DO (CA Water Code § 13301) is an order requiring a discharge to comply with WDRs or prohibitions according to a time schedule, or if the violation is threatening, to take appropriate remedial or preventative action. A C&DO is issued by the Regional Board when violations of requirements or prohibitions are threatened, are occurring, or have occurred and probably will continue in the future. Issuance of a C&DO requires a public hearing.

Monetary liabilities or fines (**administrative civil liabilities** or ACL) may also be imposed administratively by the Regional Board. Under certain circumstances, enforcement actions are referred to the State Attorney General or District Attorney.

State Water Resources Control Board Resolution 92-49, as amended, includes statewide policies and procedures for investigation and cleanup and abatement of discharges under Water Code Section 13304. The statewide Water Quality Enforcement Policy (State Board Resolution 97-0852009-0083) provides direction on types of violations ~~which-that~~ shall be brought to the attention of Regional Boards by staff, on procedures for coordination and cooperation with other agencies, and on setting amounts for Administrative Civil Liabilities. Copies of both of these policies are included in Appendix B to this Basin Plan.

Special Designations-

Some water bodies have special designations and related narrative discharge restrictions. Examples of special designations are Outstanding National Resource Water, Sole-source Aquifer, Wild and Scenic River, and Water Quality Limited Segment. Applicable special designations and discharge restrictions are described the "Resources

Management and Restoration” section of this Chapter.

Compliance Implementation Schedules.

The Porter-Cologne Act (CA Water Code § 13242[b]) requires a Basin Plan’s program of implementation for achieving water quality objectives to include a “time schedule for the actions to be taken.” Because of the lack of ambient water quality monitoring data for most of the water bodies of the Lahontan Region (see Chapter 7), it is not possible to state whether or not these waters are in achievement of all water quality objectives, or to set compliance schedules for achievement. The Regional Board periodically reviews available information on attainment of objectives and support of beneficial uses as part of the Water Quality Assessment (ongoing), Section 305(b) reporting (every two years), and Triennial Review (every three years) processes. These reviews may result in Basin Plan amendments and/or the issuance of new or revised discharge permits ~~which that will may~~ include specific compliance schedules for particular dischargers or for all discharges affecting particular water bodies. The Regional Board is also required to prioritize impaired water bodies listed as “Water Quality Limited” under Section 303(d) of the Clean Water Act for the development of “Total Maximum Daily Loads” (TMDLs) of pollutants to be used in setting wasteload allocations for dischargers, in order to ensure attainment of standards. See Section 4.13 of this chapter for more information on TMDLs.

~~The 1975 Basin Plans included recommendations that specific studies be carried out by specific dates on needs for community wastewater collection and treatment facilities in certain areas of the Lahontan Region. These plans also recommended that some communities construct specific facilities by given dates. Most of these schedules were not met. Because expected year-to-year changes in availability of and priorities for funding will ensure that long term schedules are unrealistic, this Basin Plan does not include such recommendations. Priorities are set for studies through processes such as the Regional Board’s periodic revisions to its Watershed Management Initiative Chapter, and for facilities construction through the State Board Division of Clean Water Programs needs assessment process for loans and grants. Once funding is allocated, completion schedules are set through the contract process.~~

Some of the water quality control programs for the Lahontan Region do have specific compliance deadlines, ~~which that~~ are discussed later in this Basin

Plan. For example, the Lake Tahoe TMDL includes 5-year load reduction requirements for the four major pollutant source categories. Some of the waste discharge prohibitions discussed later in this Chapter also include specific compliance dates.

Compliance schedules may be included in WDRs and may be included in NPDES permits for existing discharges under limited circumstances.

~~The Regional Board maintains discharge permits (WDRs and NPDES permits) for point sources, each of which includes its own compliance schedule. Waste discharge permits for construction projects generally require implementation of Best Management Practices during and immediately after construction; long-term maintenance of permanent BMPs is expected. Regional Board enforcement orders for specific problems also include compliance schedules.~~

Compliance Schedules in NPDES Permits

Section 301(b) (1)(c) of the Clean Water Act requires NPDES permits to include effluent limitations as stringent as need to attain water quality standards. Compliance schedules for attainment of effluent limitations may be included in NPDES permits for implementation of new, revised, or newly interpreted standards under specific circumstances, if the State has authority to issue such schedules.

The State Board has adopted a “Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits” (Resolution No. 2008-0025). A copy of this policy is included in Appendix B. The policy applies to all NPDES permits that are modified or reissued after its effective date (December 17, 2008). It authorizes the Regional Boards to include a compliance schedule in a permit for an existing discharger for attainment of an effluent limitation for a new, revised or newly interpreted water quality objective or criterion, when the Board determines that the discharger needs additional time to implement actions to comply with the limitation. Compliance schedules are **not** authorized in permits for new dischargers. See the policy for definitions and additional details on provisions related to National Toxics Rule and California Toxics Rule standards, and circumstances under which compliance schedules are or are not authorized in NPDES permits.

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The Regional Board may establish a schedule of compliance in a National Pollution Discharge Elimination System (NPDES) permit under the following circumstances:^{1,2}

- 1) Where an existing discharger³ has demonstrated, to the Regional Board's satisfaction, that it is infeasible to achieve immediate compliance with effluent and/or receiving water limitations specified to implement new, revised, or newly interpreted water quality objectives, criteria, or prohibitions.⁴
- 2) Where a discharger is required to comply with Total Maximum Daily Loads (TMDLs) adopted as a single permitting action,⁵ and demonstrates that it is infeasible to achieve immediate compliance with effluent and/or receiving water limits that are specified to

¹ Schedules of compliance for CTR criteria are independently authorized and governed by 40 CFR 122.47 and 131.38, and the State "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (CTR-SIP). This amendment is intended to supplement, not supersede, these provisions required by the CTR-SIP. All CTR limits must be consistent with the CTR-SIP and applicable federal rules.

² Schedules of compliance for Non-NPDES Waste Discharge Requirements (WDRs) are also independently authorized by Porter Cologne, and will continue to be adopted on a case-by-case basis.

³ Existing discharger is defined in the State "Policy for Implementation of Toxic Substance Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California," (CTR-SIP) as any discharger (non-NPDES or NPDES) that is not a new discharger. An existing discharger includes an increasing discharger (i.e., an existing facility with treatment systems in place for its current discharge that is or will be expanding, upgrading, or modifying its existing permitted discharge after November 29, 2006). A new discharger includes any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after November 29, 2006.

⁴ New, revised, or newly interpreted water quality objectives, criteria, or prohibitions means: 1) objectives as defined in Section 13050(h) of Porter-Cologne; 2) criteria as promulgated by the United States Environmental Protection Agency (USEPA); or 3) prohibitions as defined in the *Water Quality Control Plan for the Lahontan Region* that are adopted, revised, or newly interpreted after November 29, 2006. Objectives and criteria may be narrative or numeric.

⁵ "Single permitting actions" means those where the Regional Board incorporates the requirements to implement a TMDL through one NPDES permit. These actions would not require Basin Plan amendment, but would require a technical staff report to support the permit requirements and any permit specified compliance schedule. Furthermore, the USEPA would still be required to approve the TMDL under the federal CWA Section 303(d).

implement new, revised or newly interpreted objectives, criteria, or prohibitions.

The schedule of compliance shall include a time schedule for completing specific actions (including interim effluent limits) that demonstrate reasonable progress toward attaining the effluent and/or receiving water limitations, water quality objectives, criteria, or prohibitions. The schedule of compliance shall contain interim limits and a final compliance date based on the shortest feasible time required to achieve compliance (determined by the Regional Board at a public hearing after considering the factors identified below).

Schedules of compliance in NPDES permits for existing NPDES permittees shall be as short as feasible, but in no case exceed the following:

Up to five years from the date of permit issuance, re-issuance, or modification that establishes effluent and/or receiving water limitations specified to implement new, revised, or newly interpreted objectives, criteria, or prohibitions. A permittee can apply for up to a five-year extension, but only where the conditions of the schedule of compliance have been fully met, and sufficient progress toward achieving the objectives, criteria, or prohibitions has been documented.

In no case shall a schedule of compliance for these dischargers exceed ten years from the effective date of the initial permit that established effluent and/or receiving water limitations specified to implement new, revised, or newly interpreted objectives, criteria, or prohibitions.

TMDL-derived effluent and/or receiving water limitations that are specified to implement new, revised, or newly interpreted water quality objectives, criteria, or prohibitions that are adopted as a single permitting action:

In this scenario, schedules of compliance shall require compliance in the shortest feasible period of time, but may extend beyond ten years from the date of the permit issuance.

To document the need for and justify the duration of any such schedule of compliance, a discharger must submit the following information, at a minimum. The Regional Board will review the

information submitted to determine if a schedule of compliance is appropriate.

For all applicants:

- A written request, and demonstration, with supporting data and analysis, that it is technically and/or economically infeasible⁶ to achieve immediate compliance with newly adopted, revised or newly interpreted water quality objectives, criteria or prohibitions.
- Results of diligent efforts to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream.
- Documentation of source control efforts currently underway or completed, including compliance with any pollution prevention programs that have been established.
- A proposed schedule for additional source control measures or waste treatment.
- The highest discharge quality that is technically and economically feasible to achieve until final compliance is attained.
- A demonstration that the proposed schedule of compliance is as short as technically and economically feasible.
- Data demonstrating current treatment facility performance to compare against existing permit effluent limits, as necessary to determine which is the more stringent interim limit to apply if a schedule of compliance is granted.
- Additional information and analyses, to be determined by the Regional Board on a case-by-case basis.

Innovative Technology and Demonstration Projects-

The Regional Board occasionally receives proposals for the use of innovative technology, either as part of projects or activities ~~which—that~~ it regulates, or as a water quality mitigation measure. Examples include the use of bacteria as ice nucleating agents for snowmaking at ski areas, and bioremediation technology for cleanup of toxic substance leaks and spills in ground water. Regional Board staff will evaluate such proposals on a case-by-case basis in relation to applicable water quality standards,

⁶ Technical and economic feasibility shall be determined consistent with State Board Order 92-49.

discharge prohibitions, effluent limitations, and the risk of adverse water quality impacts from the specific technology. (Risk assessment is discussed in the “Spills, Leaks, Complaint Investigations, and Cleanups” section of this Chapter.) Because of the high resource value and extreme sensitivity of some of the waters of the Lahontan Region, some types of demonstration projects using new technology should be carried out within other watersheds.

Interstate Issues-

The Lahontan Region includes most of California’s common boundary with Nevada, and a small common boundary with Oregon. There are a number of interstate lakes, streams, and ground water basins. Section 518 of the federal Clean Water Act allows Indian tribes to apply to the USEPA to be treated as states for purposes of setting and implementing water quality standards under Sections 303 and 401 of the Act. As of 1993, no tribes within the Lahontan Region had been granted such status.

Historically, interstate water quantity issues have been of greater concern than water quality issues. (See the discussion of water quantity issues in the “Resources Management” section of this Chapter). However, the requirement for efforts by both California and Nevada to protect Lake Tahoe led to the development of the bi-state Tahoe Regional Planning Agency and a bi-state *Water Quality Management Plan for the Lake Tahoe Region* under Section 208 of the Clean Water Act (see Chapter 5). Impacts of pumping in Nevada on ground water supplies in Death Valley, and impacts of radioactivity from the Nevada Test Site on ground water quality in Death Valley, are also of concern.

In both planning and regulatory activities for interstate waters, Regional Board staff considers the applicable water quality standards of the other state. Regional Board staff request the opportunity to review and comment on revisions of other state’s water quality plans for waters shared with the Lahontan Region, and provides these states with similar opportunities to comment on Basin Plan revisions. If Regional Board Basin Plan amendments or waste discharge permits appear to create a possibility of conflict with another state’s standards, Regional Board staff consults with water quality staff of the other state to attempt to resolve the conflict. Because most water quality objectives for Lahontan Region waters are based on historical water quality and ~~nondegradation~~ antidegradation considerations, water quality permits ~~which—that~~ ensure compliance with California standards generally should be adequate to prevent violation of another state’s standards.

Nonpoint Source Program

Nonpoint sources of pollution are generally defined as sources ~~which that~~ are diffuse and/or not subject to regulation under the federal National Pollutant Discharge Elimination System (for surface water discharges). Nonpoint sources include agriculture, grazing, silviculture, abandoned mines, construction, stormwater runoff, etc. Nonpoint sources have been identified as a major cause of water pollution in California according to the State Board's 1990 *Water Quality Assessment* report and 1988 *Nonpoint Source Problem Inventory for Surface Waters*.

The federal Clean Water Act (CWA) is the principal federal water quality protection statute. For point source discharges to surface waters, the CWA establishes a permit system. However, nonpoint sources are exempt from federal permitting requirements, as are discharges to ground water. The CWA was amended in 1987 to include a new Section 319 entitled "Nonpoint Source Management Programs." Section 319 requires states to develop Assessment Reports and Management Programs describing the states' nonpoint source problems. The State Board's November 1988 *Nonpoint Source Problem Inventory for Surface Waters* and ~~Nonpoint Source Management Plan~~its current nonpoint source program plan and policy, and water quality assessment procedures respond to this requirement.

The State Board first adopted a statewide *Nonpoint Source Management Plan* in 1988. In 2000, this plan was replaced by the *Plan for California's Nonpoint Source Pollution Control Program*. In 2004, the State Board adopted a "Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program" (State Board Res. No. 2004-0030). This policy summarizes the authority of the State and Regional Boards to control nonpoint source discharges under the Porter-Cologne Act.

All current and proposed nonpoint source discharges should be regulated under WDRs, waivers of WDRs, waste discharge prohibitions, other orders of the Regional Board or State Board or some combination of these regulatory tools. The State and Regional Boards also implement a broad program of outreach, education, technical assistance and financial incentives. This program is supplemented by collaborative activities with other agencies and non-governmental organizations to facilitate control of nonpoint sources.

~~The State Board's *Nonpoint Source Management Plan* relies on a three-tiered management approach to address nonpoint source problems. The options or tiers are presented in order of increasing stringency. In general, the least stringent option that successfully protects or restores water quality will be employed, with more stringent measures considered if timely improvements in beneficial use protection are not achieved. The three tiers are as follows:~~

- ~~1. **Voluntary Implementation of Best Management Practices (BMPs).** Property owners or managers may voluntarily implement BMPs. Implementation could occur for economic reasons and/or through awareness of environmental benefits. (Best Management Practices are described below).~~
- ~~2. **Regulatory-Based Encouragement of Best Management Practices.** Although the Porter-Cologne Act constrains Regional Boards from specifying the manner of compliance with water quality standards, there are two ways in which Regional Boards can use their regulatory authorities to encourage implementation of BMPs. First, the Regional Board may encourage BMPs by waiving adoption of waste discharge requirements on condition that dischargers comply with Best Management Practices. Alternatively, the Regional Board may enforce BMPs indirectly by entering into management agency agreements (MAAs) with other agencies which have the authority to enforce BMPs. The Regional Board will generally refrain from imposing effluent requirements on dischargers who are implementing BMPs in accordance with a waiver of waste discharge requirements, an approved MAA, or other State or Regional Board formal action.~~
- ~~3. **Effluent Limitations.** The Regional Board can adopt and enforce requirements on the nature of any proposed or existing waste discharge, including discharges from nonpoint sources. Although the Regional Board is precluded from specifying the manner of compliance with waste discharge limitations, in appropriate cases, limitations may be set at a level which, in practice, requires implementation of BMPs.~~

Not all of the categories of nonpoint source pollution follow this three-tiered approach. For example, silvicultural activities on non-federal lands are administered by the California Department of Forestry and Fire Protection (CDF). The State Board has entered into a Management Agency Agreement with

~~CDF which allows the Regional Boards to review and inspect timber harvest plans and operations for implementation of BMPs for protection of water quality.~~

~~The Regional Board approach to addressing or regulating categories of nonpoint source pollution is discussed in various sections throughout this Chapter.~~

Best Management Practices.

Property owners, managers or other dischargers may implement “Best Management Practices” (BMPs) to protect water quality. The term “Best Management Practices” used in reference to control measures for nonpoint source water pollutants is analogous to the terms “Best Available Technology/Best Control Technology” (BAT/BCT) used for control of point source pollutants. The USEPA (40 CFR § 103.2[m]) defines BMPs as follows:

“Methods, measures, or practices selected by an agency to meet its nonpoint source control needs. BMPs include, but are not limited to structural and nonstructural controls and operation and maintenance procedures. BMPs can be applied before, during and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters.”

USEPA regulations (40 CFR § 130.6 [b][4][i]) provide that Basin Plans:

“shall describe the regulatory and nonregulatory programs, activities, and BMPs which the agency has selected as the means to control nonpoint source pollution where necessary to protect or achieve approved water uses. Economic, institutional, and technical factors shall be considered in a continuing process of identifying control needs and evaluating and modifying the BMPs as necessary to achieve water quality goals.”

BMPs fall into two general categories:

- **Source controls** ~~which that~~ prevent a discharge or threatened discharge. These may include measures such as recycling of used motor oil, fencing streambanks to prevent livestock entry, fertilizer management, street cleaning, revegetation and other erosion controls, and limits on total impervious surface coverage. Because the effectiveness of treatment BMPs is often uncertain, source control is generally preferable to treatment. It is also often less expensive.

- **Treatment controls** ~~which that~~ remove pollutants from stormwater before it reaches surface or ground waters. These include infiltration facilities, oil/water separators, and constructed wetlands.

BMPs for development projects can be applied both to new project construction, and, through “retrofitting,” to existing structures, roads, parking lots, and similar facilities. It may be possible to carry out an areawide retrofit program as part of a local government redevelopment project.

~~In 1988, the State Board adopted a statewide Nonpoint Source Management Plan which relies first upon voluntary implementation of BMPs by land management agencies and private property owners, and second upon regulatory requirements for BMP use at the discretion of the Regional Boards. The use of BMPs is now mandatory under certain types of stormwater NPDES permits (see “Stormwater” section in this Chapter) and in the Lake Tahoe Basin (see Chapter 5).~~

Several important points about BMPs must be emphasized at the outset:

- ~~BMPs in California are generally certified by the State Board. Certified BMPs for the Lahontan Region include those of the U.S. Forest Service, Pacific Southwest Region (USFS 1979) and the Tahoe Regional Planning Agency (TRPA 1988, Vol. II). The State Board, together with a task force, has developed three BMP handbooks for guidance to holders of municipal, industrial, and construction NPDES stormwater permits (APWA 1993). There are a number of comprehensive BMP handbooks developed by agencies in other states which included practices which may or may not have been certified for use in the Lahontan Region. Non-certified “BMPs” may be proposed as alternative management practices, which will be evaluated by the Regional Board on a case-by-case basis.~~
- The use of BMPs does **not** necessarily ensure compliance with effluent limitations or with receiving water objectives. Because nonpoint source control has been a priority only since the 1970s, the long-term effectiveness of some BMPs has not yet been documented. Some source control BMPs (e.g., waste motor oil recycling) may be 100 percent effective if implemented properly. Information to date indicates that treatment control BMPs are **not**

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100 percent effective, even if maintained and operated properly. Monitoring and evaluation of BMP effectiveness is an important part of nonpoint source control programs.

- The selection of individual BMPs must take into account specific site conditions (e.g., depth to ground water, quality of runoff, infiltration rates). Not all BMPs are applicable at every location. High ground water levels may preclude the use of runoff infiltration facilities, while steep slopes may limit the use of wet ponds.
- To be effective, most BMPs must be implemented on a long-term basis. Structural BMPs (e.g., wet ponds and infiltration trenches) require periodic maintenance, and may eventually require replacement.
- The “state-of-the-art” for BMP design and implementation is expected to change over time. ~~The State Board’s planning process will include periodic review and update of BMP certifications.~~

To date, the greatest attention has been given to development of BMPs for erosion and stormwater control in connection with construction projects, urban runoff, and timber harvest activities. BMPs are now being developed for control of a number of other nonpoint sources, including range livestock grazing and agricultural runoff.

General information on recommended nonpoint source management practices is provided under different water quality problem categories throughout this Chapter and in Chapter 5 on the Lake Tahoe Basin. For detailed information on the design, implementation, and effectiveness of specific BMPs, the reader should consult the appropriate BMP Handbook for the project type or location.

~~Watershed Management Initiative.~~

~~In 1995, as part of the development of a Strategic Plan, the State and Regional Boards began implementation of a “Watershed Management Initiative” (WMI). The WMI involves coordinating most of the Regional Board’s planning, monitoring and assessment, and regulatory activities with public and private stakeholders within “priority watersheds”, and encouraging voluntary implementation of BMPs and watershed restoration projects by stakeholders. Five priority watersheds were selected within the Lahontan Region, with the expectation that priorities will be rotated to other watersheds in the future. Workplans, including proposed implementation activities and projected staff time and funding needs for a five year~~

~~period, have been written for the priority watersheds as part of the Lahontan Region’s “WMI Chapter” within the statewide Strategic Plan. These watershed workplans are updated at least annually.~~

Specific Types of Activities and Their Related Water Quality Problems, Control Actions, and Time Schedules for the Actions to be Taken

This Plan considers specific types of problem-related activities with their water quality impacts, control actions and time schedules under the thirteen categories of:

- 4.1 Waste Discharge Prohibitions
- 4.2 Spills, Leaks, Complaint Investigations, and Cleanups
- 4.3 Stormwater Runoff, Erosion, and Sedimentation
- 4.4 Wastewater—Treatment, Disposal and Reclamation
- 4.5 Solid and Liquid Waste Disposal to Land
- 4.6 Ground Water Protection and Management
- 4.7 Mining, Industry, and Energy Production
- 4.8 Land Development
- 4.9 Resources Management and Restoration
- 4.10 Agriculture
- 4.11 Recreation
- 4.12 Military Installations
- 4.13 Total Maximum Daily Loads

General water quality impacts from each category of activities are first described, followed by details specific to the types of activities in each category.

4.1 WASTE DISCHARGE PROHIBITIONS

Section 13243 of the Water Code gives Regional Boards, in Basin Plans or waste discharge requirements, authority to “specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted.” Regional Boards may take enforcement action for violations of waste discharge prohibitions. The Water Code may also contain waste discharge prohibitions that are applicable in the Lahontan Region.

This section of the Basin Plan contains waste discharge prohibitions that apply to the entire Lahontan Region and waste discharge prohibitions that apply to specific watersheds (hydrologic units [HUs] or hydrologic areas [HAs]). Watershed-specific prohibitions are listed from north to south. Waste discharge prohibitions for the Lahontan Region are listed below by hydrologic unit (HUs) of hydrologic areas (HAs) from north to south. Prohibitions that apply to the entire Region are listed first.

Exemptions to regionwide, and hydrologic unit and hydrologic area prohibitions may be granted as specified in this chapter and Chapter 5 for the Lake Tahoe Hydrologic Unit. Most exemptions are based on a finding by the Regional Board, or Executive Officer if so delegated, that the discharge will not result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses. The Regional Board will base this determination on an analysis of the criteria contained in State Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality Waters in California.

Waste discharge prohibitions in this chapter and Chapter 5 (Water Quality Control Standards for the Lake Tahoe Basin) do not apply to discharges of stormwater when wastes in the discharge are controlled through the application of management practices or other means and the discharge does not cause a violation of water quality objectives. For existing discharges, waste discharge requirements, including, if authorized, NPDES permits, may contain a time schedule for the application of control measures and compliance with water quality objectives. In general, the Regional Board expects that control measures will be implemented in an

iterative manner as needed to meet applicable receiving water quality objectives.

Exemptions to Waste Discharge Prohibitions

The Basin Plan allows exemptions to certain waste discharge prohibitions if the applicable criteria are met. Exemptions are generally provided on a case-by-case basis, although the Regional Board may find that certain discharges are exempt from certain or all applicable waste discharge prohibitions.

Section 13223 of the Water Code allows Regional Boards to delegate many of their powers to their Executive Officers. This section also provides that, whenever any reference is made in the Porter-Cologne Water Quality Control Act to an action that may be taken by a Regional Board, such reference includes such action by its Executive Officer pursuant to powers and duties delegated by the Regional Board.

A discharger seeking an exemption from a waste discharge prohibition must file project information sufficient to demonstrate that it meets the applicable criteria. Discharges subject to a prohibition cannot commence until such time as the Regional Board has provided written concurrence that the applicable criteria are met. In addition to the exemption, the discharger must obtain all other relevant and appropriate Regional Board permits or authorizations for the project or activity (e.g., water quality certification under Section 401 of the Clean Water Act). Except in emergency situations, the Executive Officer will notify the Regional Board and interested members of the public 10 days in advance of the intent to grant an exemption to allow for public comment on whether the exemption proposal meets the applicable criteria. Such notification may be provided by electronic notification, including Internet posting.

Regionwide Prohibitions

1. The discharge of waste⁽⁴⁾ ~~— which that~~ causes violation of any narrative ~~or numeric~~ water quality objective contained in this Plan, ~~including the Nondegradation Objective,~~ is prohibited.

Definitions:

⁽⁴⁾ “Waste” is defined to include any waste or deleterious material including, but not limited to, waste earthen materials (such as soil, silt, sand, clay, rock, or other organic or mineral material) and any other waste as defined in the California Water Code § 13050(d).

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~~2. The discharge of waste which causes violation of any numeric water quality objective contained in this Plan is prohibited.~~

32. Where any numeric or narrative water quality objective contained in this Plan is already being violated, the discharge of waste ~~which~~ that causes further degradation or pollution is prohibited.

3. ~~The discharge of waste to waters of the state not authorized by the State or Regional Board through waste discharge requirements, waiver of waste discharge requirements, NPDES permit, cease and desist order, certification of water quality compliance pursuant to Clean Water Act section 401, or other appropriate regulatory mechanism is prohibited.~~

4. ~~The discharge of untreated sewage, garbage, or other solid wastes into surface waters of the Region is prohibited. (For the purposes of this prohibition, "untreated sewage" is that which exceeds secondary treatment standards of the Federal Water Pollution Control Act, which are incorporated in this plan in Section 4.4 under "Surface Water Disposal of Sewage Effluent.")~~

5. ~~For municipal⁽ⁱⁱⁱ⁾ and industrial⁽ⁱⁱⁱ⁾ discharges:~~

~~(a.) The discharge, bypass, or diversion of raw or partially treated sewage, sludge, grease, or oils to surface waters is prohibited.~~

~~(b.) The discharge of wastewater except to the designated disposal site (as designated in waste discharge requirements) is prohibited.~~

~~(c.) The discharge of industrial process wastes^(iv) to surface waters designated for~~

⁽ⁱⁱⁱ⁾ "Municipal waste" is defined in Section 4.4

⁽ⁱⁱⁱ⁾ "Industry" is defined in Section 4.7

^(iv) "Industrial process wastes" are wastes produced by industrial activities that result from one or more actions, operations, or treatments which modify raw material(s) and that may (1) add to or create within the effluent, waste, or receiving water a constituent or constituents not present prior to processing; or (2) alter water temperature and/or the concentration(s) of one or more naturally occurring constituents within the effluent, waste or receiving water. Certain non-stormwater discharges may occur at industrial facilities that are not considered to be industrial process wastes for the purposes of Prohibition 5(c). Examples include: fire hydrant flushing, atmospheric condensates from refrigeration and air conditioning systems, and landscape watering. The Regional Board may establish additional monitoring programs and

~~the Municipal and Domestic Supply (MUN) beneficial use is prohibited. The discharge of industrial process wastes to surface waters not designated for the MUN use may be permitted if such discharges comply with the General Discharge Limitations in Section 4.7 and if appropriate findings under state and federal anti-degradation regulations can be made.~~

~~Prohibitions 5(b) and 5(c) do not apply to industrial stormwater. For control measures applicable to industrial stormwater, see Section 4.3 of this Basin Plan, entitled "Stormwater Runoff, Erosion, and Sedimentation."~~

~~Prohibitions 5(b) and 5(c) do not apply to surface water disposal of treated ground water. For control measures applicable to surface water disposal of treated ground water, see Regional Board Order No. 6-93-104, adopted November 19, 1993 (Basin Plan Appendix B).~~

Exemptions to Regionwide Prohibitions

An exemption to prohibitions 1 and 2, above, may be granted whenever the Regional Board finds that the discharge of waste will not, individually or collectively, directly or indirectly, unreasonably affect the water for its beneficial uses.

Exemptions for Emergency Projects

The Regional Board recognizes that emergency projects may require the discharge of waste to water as part of actions to address the emergency. Due to the exigencies of the emergency situation, normal public noticing and Regional Board action on granting prohibition exemptions may not be possible. For waste discharged as a result of emergency projects, exemptions on all prohibitions contained in this Basin Plan may be granted by the Regional Board's Executive Officer for the following projects:

1. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California

reporting requirements for these and other non-stormwater discharges at industrial facilities.

Emergency Services Act, commencing with Section 8550 of the Government Code.

2. Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.
3. Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.

Exemptions to all waste discharge prohibitions for emergency projects meeting the above qualifications may be granted whenever the Executive Officer finds that a specific project meets all of the following criteria:

1. There is no feasible alternative to the project that would comply with the Basin Plan prohibitions, and
2. All applicable and practicable Best Management Practices and mitigation measures have been incorporated into the project to minimize potential adverse impacts to water quality and beneficial uses, and

3. Any temporary lowering of water quality associated with the project is consistent with the State Water Board's Antidegradation Policy (Resolution 68-16).

Exempted Limited Threat Discharges

The Regional Board has determined that the discharges listed in Table 4.1-1 are exempt from applicable regionwide and hydrologic unit/area waste discharge prohibitions subject to all the conditions set forth below and the discharge-specific conditions in Table 4.1-1.

1. The discharge must not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance.
2. The discharge must comply with all applicable water quality objectives.
3. Best practicable treatment or control of the discharge shall be implemented to ensure that pollution or nuisance will not occur.
4. Any temporary lowering of water quality associated with the project is consistent with the State Water Board's Antidegradation Policy (Resolution 68-16).

Exemption Criteria for Restoration Projects

The Regional Board encourages restoration projects that are intended to reduce or mitigate existing sources of soil erosion, water pollution, or impairment of beneficial uses. For waste earthen materials discharged as a result of restoration projects, exemptions to the above prohibitions, and all other prohibitions contained in this Basin Plan, may be granted by the Regional Board's Executive Officer whenever ~~it finds that~~ a specific project meets all of the following criteria:

1. The project will eliminate, reduce or mitigate existing sources of soil erosion, water pollution, and/or impairment of beneficial uses of water, and
2. There is no feasible alternative to the project that would comply with ~~provisions of this the~~ Basin Plan ~~prohibitions, precluding the need for an exemption, and~~
3. ~~Land disturbance will be limited to the absolute minimum necessary to correct or mitigate existing sources of soil erosion, water pollution,~~

~~and/or impairment of beneficial uses of water, and~~

34. All applicable Best Management Practices and mitigation measures have been incorporated into the project to minimize land disturbance, soil erosion, surface runoff discharges of turbid water, and other potential adverse environmental impacts to water quality and beneficial uses, and

54. Any temporary lowering of water quality associated with the project is consistent with the State Water Board's Antidegradation Policy (Resolution 68-16). The project complies with all applicable laws, regulations, plans, and policies.

Note: ~~Additional exemption criteria apply to restoration projects proposed within the Lake Tahoe Basin (see Chapter 5 for these additional criteria).~~

Considerations for Water Recycling Projects

The State Board adopted a Recycled Water Policy (Res. No. 2009-0011) that indicates the State and Regional Boards will exercise their authorities to the fullest extent to encourage the use of recycled water, consistent with state and federal water quality laws. The Regional Board encourages the reuse of treated domestic wastewater, and desires to facilitate its reuse (see Section 4.4 of this Chapter). The need to develop and use recycled water is one factor the Regional Board will evaluate when considering exemption requests to waste discharge prohibitions. Other considerations, including potential impacts of nutrients in recycled water on aquatic life uses and the assimilative capacity of groundwater basins for salts and nutrients, will also apply.

Unit/Area-Specific Prohibitions

Figures depicting specific prohibition areas are located at the end of this Section. Figure 4.1-1 provides an overview of the Lahontan Region with the approximate location of all prohibition areas. Area-specific prohibitions are grouped by watersheds, which are discussed in a north to south order.

Surprise Valley, Cowhead Lake, Madeline Plains, and Duck Flat Hydrologic Units

(Figure 4.1-2)

1. ~~The discharge of wastes from boats, marinas, or other shoreline appurtenances into the lakes or streams of the Hydrologic Unit is prohibited.~~

2. ~~The discharge of untreated sewage, garbage or other solid wastes, or industrial wastes into surface waters of the Hydrologic Unit is prohibited.~~

3. ~~The discharge of waste earthen materials or of any other waste as defined in Section 13050(d) of the California Water Code which would violate the water quality objectives of this Basin Plan or otherwise adversely affect the water for beneficial uses of this Basin Plan, is prohibited.~~

Susanville and Smoke Creek Hydrologic Units

(Figure 4.1-3)

1. ~~The discharge of wastes from boats, marinas, or other shoreline appurtenances into the lakes or streams of the Hydrologic Unit is prohibited.~~

2. ~~The discharge of untreated sewage, garbage or other solid wastes, or industrial wastes into the surface waters of the Hydrologic Unit is prohibited.~~

3. ~~The discharge of waste earthen materials or of any other waste as defined in Section 13050(d) of the California Water Code which would violate the water quality objectives of this Basin Plan or otherwise adversely affect the water for beneficial uses of this Basin Plan, is prohibited.~~

41. The discharge of waste within the following described area (referred to as the Cady Springs Prohibition Area; see Figure 4.1-4) from leaching or percolation systems installed after August 17, 1995 is prohibited: The Cady Springs Prohibition Area is defined as follows and is shown for information in Fig. 4.1-4:

U.S.G.S. Map (7.5 Minute Series), Susanville Quadrangle:

T.30.N. and R.11.E., Including:

Sections 1 through 18, 20 through 28, and portions of Sections 19, 29, 33, 34, 35, and 36. The boundary defining the portions of Sections 19, 29, 33, and 34 is based on the surface water divide between Piute Creek and Susan River drainages and the fault trace F₁ as described in the Cady Springs Water Quality Phase I Report (DWR 1993); the portions of those Sections within the Piute Creek drainage and north of the fault are included in the prohibition area. Areas north of the Susan River in Section 36 are

included in the prohibition area. **Excluding:** Sections 30, 31 and 32.

T.29.N. and R.11.E., Including:

Areas north of the Susan River in Sections 2 and 3. **Excluding:** Section 1, and Sections 4 through 36.

Projects that satisfy the following criteria shall be exempt from the above-stated prohibition:

- a. The discharge is composed of domestic wastewater only; *and*
- b. The proposed disposal system satisfies the Regional Board's criteria for individual waste disposal systems (minimum distances, percolation rates, soil characteristics, depth to ground water, ground slope, expansion area), as prescribed in Chapter Section 4.4 of this Water Quality Plan Chapter; *and*
- c. One of the following:
 - i. The proposed project is residential, inside an "Existing Land Development," the net lot area is 15,000 square feet or more, and the wastewater discharge will not exceed one equivalent dwelling unit (EDU) per net lot area per day. This criterion is based on existing septic density requirements, as prescribed in Chapter 4.4 of this Water Quality Plan. The net lot area is that contained inside the boundaries set forth in the legal lot description; or
 - ii. The proposed project is non-residential or of mixed occupancy, inside an "Existing Land Development," the net lot area is 15,000 square feet or more, and the wastewater discharge does not exceed one EDU per net lot area per day, as determined using Table 1-3 the estimated waste/sewage flow rates in the Uniform Plumbing Code.

For proposed projects in "Existing Land Development" that do not satisfy the above-stated exemption criteria, an exemption to the prohibition may nonetheless be granted by the Regional Board's Executive Officer after submittal by the proposed discharger of a Report of Waste Discharge which-that includes geologic and hydrologic evidence and an acceptable engineering design which-that

sufficiently demonstrate that the use of the proposed leaching system will not, of itself or in conjunction with the use of other systems in the area, result in a pollution or nuisance, or other adverse effects to water quality or beneficial uses. (Guidance for preparing a Report of Waste Discharge may be obtained by contacting the office of the Regional Board.)

For purposes of the above-stated exemption criteria, "Existing Land Development" is defined as subdivisions or individual parcels that have legal lot descriptions approved by local agencies prior to April 21, 1995. Further, it is understood that Lassen County's standards for use of septic tank systems require, at a minimum, compliance with the Regional Board's criteria for individual waste disposal systems.

The Regional Board will not issue discharge permits for proposed leaching or percolation systems on "new lots" inside the prohibition area. For purposes of this prohibition, "new lots" are defined as lots created for development after April 21, 1995 by means of parcel splits and/or land divisions. An exemption may be granted by the Regional Board for projects on "new lots," provided the project is necessary for public health and safety, or other necessary public services which-that, by their inherent nature, must be located in close geographic proximity to the served public. Examples of such public services would be schools and post offices. To obtain an exemption, the proposed discharger must submit a Report of Waste Discharge which that includes geologic and hydrologic evidence and an acceptable engineering design which sufficiently demonstrateing that the use of the proposed leaching system will not, of itself or in conjunction with the use of other systems in the area, result in a pollution or nuisance, or other adverse effects to water quality or beneficial uses.

Eagle Drainage Hydrologic Area

(Figure 4.1-5)

1. New discharge of waste within the Spaulding Tract and Stones-Bengard subdivisions is prohibited after March 30, 1987. For the purposes of this prohibition, new discharge of waste is the installation of new septic systems, or expansion of existing septic systems.
2. The discharge of waste containing nutrients from the Spaulding Tract or Stones-Bengard

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subdivisions ~~with other than a zero discharge of nutrients~~ to any surface waters or ground waters in the Eagle ~~Lake basin~~Drainage Hydrologic Area is prohibited after September 14, 1989.

3. The discharge of waste from septic systems within the Eagle's Nest Tract ~~in excess for more than of a single~~ five-consecutive-month period each calendar year is prohibited.
4. ~~Use of dishwashers, washing machines, garbage disposals and detergents containing~~ The discharge of phosphates to septic systems is prohibited in Eagle's Nest Tract.
5. The maximum development density for new development ~~which that~~ discharges wastes to subsurface disposal systems shall be one single family dwelling equivalent per 20 acres. For non-residential development, and/or where pre-discharge nutrient removal is provided, single family dwelling equivalence shall be based on mean total nitrogen discharge or mean total phosphorus discharge to the subsurface disposal system(s), whichever is more restrictive. Approval by the Regional Board's Executive Officer is required for each system prior to discharge from the system. Before granting such approval, the Executive Officer must find (based on evidence presented by the proposed discharger) that soils have good phosphorus removal capability, and that the system will comply with all other applicable criteria contained in this Plan.

For purposes of the above prohibition, "new development" is defined as any subdivision of land in any area other than the existing Spaulding Tract, Stones-Bengard and Eagle's Nest Tract subdivisions.

6. The discharge of wastes containing nutrients from ~~the~~ wastewater treatment facilities on lands administered by the U.S. Forest Service, Lassen National Forest, to surface waters or ground waters in the Eagle ~~Lake basin~~Drainage Hydrologic Area is prohibited.
7. The discharge of wastes containing nutrients from the Bald Hills Campground to surface waters or ground waters in the Eagle ~~Lake basin~~Drainage Hydrologic Area is prohibited.
8. The discharge of wastes containing nutrients from any new recreational facility or use area to surface waters or ground waters in the Eagle

~~Lake basin~~Drainage Hydrologic Area is prohibited, ~~except as described below~~. For purposes of this prohibition any new or increased discharge of waste from any recreational facility or use area other than that discharged as of July 15, 1985 is prohibited unless the nutrient discharge equivalent is less than or equal to one single family dwelling per 20 acres.

9. The discharge of wastes containing nutrients from any subsurface disposal system on a lot with an elevation of less than 5130 feet is prohibited.
- ~~10. The discharge of wastes from boats, marinas, or other shoreline appurtenances into the lakes or streams of the Hydrologic Area is prohibited.~~
- ~~11. The discharge of untreated sewage, garbage or other solid wastes, or industrial wastes into the surface waters of the Hydrologic Area is prohibited.~~
- ~~12. The discharge of waste earthen materials or of any other waste as defined in Section 13050(d) of the California Water Code which would violate the water quality objectives of this Basin Plan or otherwise adversely affect the water for beneficial uses of this Basin Plan, is prohibited.~~

Little Truckee River and Truckee River Hydrologic Units

(Figures 4.1-6 through 4.1.9)

- ~~1. The discharge of wastes from boats, marinas, or other shoreline appurtenances to surface waters of the Little Truckee River HU is prohibited.~~
- ~~2. The discharge of any waste or deleterious material to surface waters of the Little Truckee River HU is prohibited.~~
- ~~3. The discharge of any waste or deleterious material in the Little Truckee River HU which would cause or threaten to cause violation of any water quality objective contained in this Plan, or otherwise adversely affect or threaten to adversely affect the beneficial uses of water set forth in this Plan, is prohibited.~~
- ~~4. The following additional prohibitions shall apply to the Little Truckee River HU:~~
 - ~~(a) The discharge of treated or untreated domestic sewage, industrial waste, garbage~~

~~or other solid wastes, or any other deleterious material to surface waters of the Little Truckee River HU is prohibited.~~

~~(b) The discharge, attributable to human activities, of solid or liquid waste materials, including but not limited to soil, silt, clay, sand, or other organic or earthen material, to surface waters of the Little Truckee River HU is prohibited.~~

~~(e)1~~ The discharge or threatened discharge, attributable to human activities, of ~~solid or liquid waste materials including soil, silt, clay, sand, and other organic and earthen materials~~ to lands within the 100-year floodplain of the Little Truckee River or Truckee River or any tributary to the Little Truckee River or Truckee River is prohibited.

Exemption Criteria for Little Truckee River Hydrologic Unit and Truckee River Hydrologic Unit 100-Year Floodplain Prohibition
Repair or Replacement of Existing Structures.

The Regional Board may grant exemptions to prohibition ~~4(e)1~~, above, as it applies to the Little Truckee River HU and the Truckee River HU for the repair or replacement of existing structures, provided that the repair or replacement does not involve the loss of additional floodplain area or volume. *For example, if a building or residence is damaged or destroyed by fire, flooding, etc., the pre-existing structure could be repaired or a structure of identical (or smaller) size could be re-built on the same site ~~in the footprint of the pre-existing building.~~* Prior to granting any such exemption, the Regional Board shall require demonstration by the proposed discharger that the project does not involve the additional loss of floodplain area or volume, and that all applicable Best Management Practices and mitigation measures have been incorporated into the project to minimize any discharges of wastes to surface waters during or following construction. ~~minimize any potential soil erosion and/or surface runoff problems.~~

Relocation of Existing Structures or Impervious Surface Coverage. The Regional Board may grant exemptions to prohibition 1, above, for projects relocating existing structures or transferring areas of existing imperviousness within the 100-year floodplain of the Truckee River or Little Truckee River where the structure or area of impervious surface is relocated on the same parcel or within a defined project area and where the following finding can be made (a

“project area” may include multiple adjacent or non-adjacent parcels):

The relocation must result in net water quality and/or environmental benefit. Net benefit is defined as an improvement to the functioning of the floodplain or SEZ and adjoining surface water, wetland or riparian area. Net benefit may include, but is not limited to, one or more of the following:

- Relocation of structure or impervious surface to an area further away from the stream channel or wetlands;
- Protection of restored 100-year floodplain or SEZ or an equivalent area (at a 1:1 ratio for floodplain or 1.5:1 for SEZ) of offsite 100-year floodplain or SEZ through deed restriction or conveyance to a mitigation bank or land conservancy or similar. For projects involving disturbance of wetlands, offsite mitigation may involve larger mitigation ratios;
- For projects involving the relocation of more than 1000 square feet of impervious coverage within a 100-year floodplain or SEZ, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the floodplain or SEZ and will not negatively affect the quality of existing habitats.

In evaluating the net water quality and/or environmental benefit of the proposed relocation, the following factors should be considered:

- (a) Whether the area that will receive relocated structure or coverage already has been disturbed;
- (b) The slope of and natural vegetation on the receiving area;
- (c) The erosion potential of the soil in the receiving area and the potential effects of erosion on receiving waters;
- (d) Whether the area from which the structure or impervious surface was removed is restored or enhanced to improve or increase 100-year floodplain or SEZ functions such as infiltration, flood attenuation, wildlife habitat, or other beneficial uses.

See the discussions in Section 4.9 of this Chapter on “Wetlands Protection and Management” and “Floodplains and Riparian Area Protection” for more information on functions and values, and

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Regional Board policy on protection of these resources.

New Projects. The Regional Board may also grant exemptions to prohibition 4(e)1, above, as it applies to the Little Truckee River HU and the Truckee River HU for the following categories of new projects or project elements within the 100-year floodplain⁷:

- (1) projects ~~solely~~ intended to reduce or mitigate existing sources of erosion or water pollution, or to restore the functional functions and values to previously disturbed floodplain areas.
- (2) projects and activities essential for transportation, including stream crossings, 100-year floodplain crossings and associated facilities such as bridge abutments and approaches, installation and maintenance of storm drains and storm water treatment facilities, and road and highway maintenance activities. This category includes stream crossings in approved state or federal timber harvest plans, and discharge of gravel, rock, or other suitable material for stream crossings on un-surfaced roads for erosion control.~~bridge abutments, approaches, or other essential transportation facilities identified in an approved county general plan~~
- (3) projects and activities necessary to protect public health or safety or to provide essential public services, including, but not limited to, utilities such as water and sewer lines, forest management activities to reduce the risk and severity of wildfires, and projects needed to protect the health and safety of occupants of existing structures.
- (4) projects necessary for public recreation and may include projects necessary to provide public access to recreational opportunities, such as boat ramps.
- (5) projects that ~~will~~ provide outdoor public recreation within portions of the 100-year floodplain where soils, vegetation, or

⁷ The use of the term "project" within the exemption criteria applies to an element or elements of an overall project where that element or those elements are within the 100-year floodplain. Exemption criteria are to be assessed for those project elements within the 100-year floodplain and not for those project elements that are outside of the 100-year floodplain.

~~hydrology that have been~~ were substantially altered by grading and/or filling activities ~~which that~~ occurred prior to June 26, 1975.

- (6) projects necessary for monitoring or scientific research related to natural resources and environmental quality. This category includes equipment or structure installation for basic data collection, research, experimental management and resource evaluation activities that do not result in a significant adverse effect on water quality or beneficial uses.

An exemption to prohibition 4(e)1, above, may be allowed for a specific new project only when the Regional Board makes all of the following findings:

- The project is included in one or more of the ~~five~~ six categories listed above
- There is no reasonable alternative to locating the project or portions of the project within the 100-year floodplain
- The project, by its very nature, must be located within the 100-year floodplain. (This finding is not required for those portions of outdoor public recreation projects to be located in areas that were substantially altered by grading and/or filling activities before June 26, 1975.) The determination of whether a project, by its very nature, must be located in a 100-year floodplain shall be based on the kind of project proposed, not the particular site proposed. Exemptions for projects such as recreational facility parking lots and visitor centers, which by their very nature do not have to be located in a 100-year floodplain, will not be allowed in areas that were not substantially altered by grading and/or filling prior to June 26, 1975.
- The project incorporates measures ~~which that~~ will ~~insure-ensure~~ that any erosion and surface runoff problems caused by the project are mitigated to less than significant levels~~-of insignificance.~~
- The project will not, individually or cumulatively with other projects, directly or indirectly, degrade water quality or impair beneficial uses of water.
- The project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the ground water flow treatment capacity from existing conditions. This shall be ensured by restoration of previously disturbed areas within the 100-year floodplain within the project site, or by enlargement of the floodplain

within or as close as practical to the project site. The restored, new or enlarged 100-year floodplain shall be of sufficient area, volume, and wetland value to more than offset the flood flow attenuation capacity, surface flow treatment capacity and ground water flow treatment capacity lost by construction of the project. This finding will not be required for: (1) essential public health or safety projects, (2) projects to provide essential public services ~~for which that~~ the Regional Board finds such mitigation measures to be infeasible because the financial resources of the entity proposing the project are severely limited, or (3) projects ~~for which that~~ the Regional Board finds (based on evidence presented by the proposed discharger) that the project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the ground water flow treatment capacity from existing conditions.

~~The Regional Board has delegated authority to the Executive Officer to grant exceptions to Prohibition 4(c) above as it applies to the Little Truckee River HU and the Truckee River HU, for specific discharges where the proposed project meets the conditions required for a waiver of waste discharge requirements or for approval under general waste discharge requirements or a general NPDES permit, under the following circumstances:~~

- ~~(1) the project is within the following specific size limitations:

less than 1000 square feet of new impervious coverage, or

less than 2000 square feet of new ground disturbance, or

less than 100 cubic yards of fill or excavation; or~~
- ~~(2) the project's primary purpose is to reduce, control, or mitigate existing sources of erosion or water pollution; and~~
- ~~(3) the project meets the exemption criteria set forth in this section of the Basin Plan.~~

~~Except in emergency situations, the Executive Officer shall notify the Board and interested members of the public of his intent to issue an exemption subject to this Resolution at least ten (10) days before the exemption is issued. A notice of the exemption will~~

~~also be published seven (7) days prior to issuance to allow for public comments. All comments received and staff's response to the comments will be forwarded to the Board with the proposed exemption. Any Regional Board member may direct that an exemption not be granted by the Executive Officer and that it be scheduled for consideration by the Regional Board.~~

~~A Report of Waste Discharge shall be filed for any discharge for which approval is sought from the Executive Officer. Discharge from a project cannot commence until such time as the Regional Board Executive Officer has prepared and sent a letter to the applicant indicating that an exemption to the Basin Plan prohibitions is granted and that waste discharge requirements for the project are waived, or that General Waste Discharge Requirements are applicable. The Regional Board's action delegating authority to the Executive Officer to grant exemptions is conditional and the Executive Officer may recommend that certain exemption requests be considered by the Regional Board. Also see Appendix B for a copy of Resolution 6-90-22 describing conditions under which the Executive Officer can grant exceptions.~~

Definitions (applicable in the exemptions from Little Truckee River prohibition 1, above, and in the Truckee River prohibition below):

"Necessary" shall mean when the appropriate governmental agency finds that a project is needed to protect public health and safety, to provide essential services, or for public recreation.

"Public recreation" shall mean a project ~~which that~~ can be enjoyed by an entire community or neighborhood, or a considerable number of persons. In previously altered floodplain areas (defined as floodplain areas where soils, vegetation and hydrology are found by the Regional Board to have been substantially modified by human activities ~~which that~~ occurred prior to June 26, 1975) "public recreation" is limited to public outdoor recreation facilities/activities such as hiking trails, bike paths, and similar recreation facilities/activities ~~which that~~ do not involve construction of buildings or similar structures.

Truckee River Hydrologic Unit

(Figure 4.1-7 through 4.1-9)

- ~~1. The discharge of wastes from boats, marinas, or other shoreline appurtenances to surface waters of the Truckee River HU is prohibited.~~

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- ~~2. The discharge of any waste or deleterious material to surface waters of the Truckee River HU is prohibited.~~
- ~~3. The discharge of any waste or deleterious material in the Truckee River HU, which would cause or threaten to cause violation of any water quality objective contained in this Plan, or otherwise adversely affect or threaten to adversely affect the beneficial uses of water set forth in this Plan, is prohibited.~~
- ~~4. The following additional prohibitions shall apply to the Truckee River HU:~~
 - ~~(a) The discharge of treated or untreated domestic sewage, industrial waste, garbage or other solid wastes, or any other deleterious material to surface waters of the Truckee River HU is prohibited.~~
 - ~~(b) The discharge, attributable to human activities, of solid or liquid waste materials, including but not limited to soil, silt, clay, sand, or other organic or earthen material, to surface waters of the Truckee River HU is prohibited.~~
 - ~~(c) The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic and earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited. (Exemptions to this prohibition may be granted by the Regional Board or its Executive Officer for certain projects. Exemption criteria and the Executive Officer's authority are described above under the discharge prohibitions for the Little Truckee River HU.) Also see Appendix B for a copy of Order 6-90-22 describing conditions under which the Executive Officer can grant exceptions.~~
- ~~52. Discharge in the Truckee River and Little Truckee Hydrologic Units of wastewater or wastewater effluent resulting in an average total nitrogen concentration in the (undiluted) wastewater exceeding 9 mg-N/liter entering the Truckee River or any of its tributaries above the Boca Reservoir outlet confluence is prohibited (Figure 4.1-8).~~
- ~~6. Further discharge from the secondary wastewater treatment facilities of Alpine Springs~~

~~County Water District, Squaw Valley County Water District, Truckee Sanitary District, Placer County Service Area No. 21, Tahoe City Public Utility District, and North Tahoe Public Utility District is prohibited (Figure 4.1-9).~~

- ~~37. No discharge in the Truckee River and Little Truckee River Hydrologic Units of domestic wastewater to individual facilities such as septic tank-leachfield systems shall be permitted is prohibited for any subdivisions (as defined by the Subdivision Map Act, Government Code 66424) which that did not discharge prior to October 16, 1980. This prohibition shall apply to all areas where underlying ground waters are tributary to the Truckee River or any of its tributaries above the confluence of the Boca Reservoir outlet and the Truckee River (Figure 4.1-8). (Regionwide septic system density criteria apply to the portions of the Truckee River HU outside of this prohibition area.)~~

An exemption to this prohibition may be granted whenever the Regional Board finds (based on geologic and hydrologic evidence presented by the proposed discharger) that operation of individual domestic wastewater facilities in a particular area will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses. (See Figure 4.1-8A.) Also see Appendix B for a copy of Order 6-81-07 which describes a point system used by the Regional Board for evaluating requests for exemptions to this prohibition.

- ~~8. The discharge of wastes or wastewater to individual disposal facilities (such as septic tank-leachfield systems) within the Glenshire and Devonshire subdivisions is prohibited. (Figure 4.1-7)~~

~~An exemption to this prohibition may be granted for existing domestic wastewater facilities whenever the Regional Board's Executive Officer finds (based on geologic and hydrologic evidence presented by the proposed discharger) that continued operation of existing individual wastewater facilities will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses. An exemption to this prohibition may be granted for new leaching or percolation systems whenever the Regional Board's Executive Officer finds (based on geologic and hydrologic evidence presented by the proposed discharger) that leaching system disposal will not, individually or collectively, result~~

~~in a pollution or nuisance, or other adverse affects to water quality or beneficial uses.~~

9. *Exclusion of certain existing septic tank subdivisions from the site-specific waste discharge prohibitions above is not a mandate for build-out of all such subdivisions, and it is assumed that a large portion of existing lots currently approved for septic tank systems will eventually be sewered to the Tahoe-Truckee Sanitation Agency (TTSA).*

~~410.~~ Once sewer lines are installed in a subdivision or area, ~~within the Little Truckee River or Truckee River Hydrologic Units~~, the discharge of wastes or wastewater to individual systems (such as septic tank-leachfield systems) from all new dwellings constructed or installed within 200 feet of the sewer line ~~shall be~~ prohibited.

~~415.~~ Continued onsite discharge of septic tank effluent from structures within 200 feet of any existing sewer line connecting to TTSA, including the Truckee River Interceptor, where a septic tank-leachfield system is found to function improperly at any time, and/or where septic tank-leachfield construction is found to be in violation of the minimum criteria listed in this Plan, is prohibited.

Lake Tahoe Hydrologic Unit

This Basin Plan contains a separate chapter (Chapter 5) concerning Lake Tahoe and its watershed. ~~Discharge-Waste discharge~~ prohibitions in effect for the Lake Tahoe HU are included in that chapter. ~~Prohibitions are in effect in the Lake Tahoe HU for discharges and threatened discharges including, but not limited to, discharges or threatened discharges to lands, surface waters, ground waters, Stream Environment Zones, floodplains, and fish spawning habitats within the Lake Tahoe HU. Applicable exemptions and exemption criteria are also contained in Chapter 5. Regionwide waste discharge prohibitions also apply in the Lake Tahoe HU in addition to the Lake Tahoe-specific prohibitions.~~

~~See Chapter 5 for discharge prohibitions and exemption criteria in effect for the Lake Tahoe HU. Also see Appendix B, Orders 6-70-48, 6-71-17, 6-74-139, and 6-90-22, which describe conditions for exemptions.~~

Carson River Hydrologic Units

(Figure 4.1-10)

- ~~1. The discharge of wastes from boats, marinas, or other shoreline appurtenances to surface waters of the East Fork Carson River HU or West Fork Carson River HU is prohibited.~~
- ~~2. The discharge of any waste or deleterious material to surface waters of the East Fork Carson River HU or West Fork Carson River HU is prohibited.~~
- ~~3. The discharge of any waste or deleterious material in the East Fork Carson River HU or West Fork Carson River HU, which would cause or threaten to cause violation of any water quality objective contained in this Plan, or otherwise adversely affect or threaten to adversely affect the beneficial uses of water set forth in this Plan, is prohibited.~~

Walker River Hydrologic Units

(Figure 4.1-11)

- ~~1. The discharge of wastes from boats, marinas, or other shoreline appurtenances to surface waters of the East Walker River HU or West Walker River HU is prohibited.~~
- ~~2. The discharge of any waste or deleterious material to surface waters of the East Walker River HU or West Walker HU is prohibited.~~
- ~~3. The discharge of any waste or deleterious material within the East Walker River HU or West Walker River HU, which would cause or threaten to cause violation of any water quality objective contained in this Plan, or otherwise adversely affect or threaten to adversely affect the beneficial uses of water set forth in this Plan, is prohibited.~~

Mono and Owens Hydrologic Units

(Figures 4.1-12 through 4.1-19)

1. The discharge of waste to surface water, including sewage or sewage effluent, is prohibited in the following locations:
 - (a) Mill Creek and Lee Vining Creek watersheds (Figure 4.1-12)
 - (b) Rush Creek watershed above the outlet from Grant Lake (Figure 4.1-12)

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(c) The Owens River and its tributaries upstream of Crowley Lake above elevation 7,200 feet (Figure 4.1-13)

(d) The Owens River and its tributaries downstream of Crowley Lake above elevation 5,000 feet (Figure 4.1-14).

An exemption to this prohibition may be granted whenever the Regional Board finds (based on geologic and hydrologic evidence presented by the proposed discharger) that the discharge of waste to surface waters will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses.

2. The discharge of waste from existing leaching or percolation systems is prohibited in the following areas:

(a) Rush Creek watershed above the outlet of Grant Lake (Figure 4.1-12)

(b) Mammoth Creek watershed above elevation 7,650 feet, including the drainage area of the community of Mammoth Lakes (Figure 4.1-15).

An exemption to this prohibition may be granted whenever the Regional Board's Executive Officer finds (based on geologic and hydrologic evidence presented by the proposed discharger) that the continued operation of septic tanks, cesspools, or other means of waste disposal in a specific area will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses, and that the sewerage of such area would have a damaging effect upon the environment.

3. The discharge of waste is prohibited within the following portions of Inyo County Service Area No. 1:

- (a) Assessment District No. 1 (Fig. 4.1-16)
- (b) Assessment District No. 2 (Fig. 4.1-17)
- (c) City of Bishop (Fig. 4.1-16).

An exemption to this prohibition may be granted whenever the Regional Board's Executive Officer finds (based on geologic and hydrologic evidence presented by the proposed discharger) that the continued operation of septic tanks, cesspools, or other means of waste disposal in a specific area will not, individually or collectively, directly or indirectly, adversely affect water quality or the water for beneficial uses, and that

the sewerage of such area would have a damaging effect upon the environment.

An exemption to this prohibition may be granted whenever the Regional Board finds that a solid waste disposal site operated in accordance with an approved solid waste disposal plan will not, directly or indirectly, adversely affect water quality or beneficial uses.

4. The discharge of waste from new leaching and percolation systems is prohibited in the following areas (For this prohibition, new systems are any installed after May 15, 1975):

(a) Rush Creek watershed above the outlet from Grant Lake (Figure 4.1-12)

~~(b) Mammoth Creek watershed upstream of the confluence of Sherwin and Mammoth Creeks (Figure 4.1-18)~~

(e) The following portions of Inyo County Service Area No. 1:

- (1) Assessment District No. 1 (Figure 4.1-16)
- (2) Assessment District No. 2 (Figure 4.1-17)
- (3) Rocking K Subdivision (Fig. 4.1-16)
- (4) City of Bishop (Fig. 4.1-16)

~~(d) Mammoth Creek watershed, including the drainage area of the community of Mammoth Lakes, and the Sherwin Creek watershed upstream of the confluence of Sherwin and Mammoth Creeks (Figure 4.1-15).~~

An exemption to this prohibition may be granted whenever the Regional Board's Executive Officer finds (based on geologic and hydrologic evidence presented by the proposed discharger) that leaching system disposal will not, directly or indirectly, individually or collectively, result in a pollution or nuisance, or other adverse affects to water quality or beneficial uses.

5. The discharge of waste within the following described area from new or existing leaching or percolation systems is prohibited (For this prohibition, new systems are any installed after May 15, 1975):

The area commonly known as the Hilton Creek/Crowley Lake communities included within the W/2, SW/4, Section 25, E/2, SE/4 and the

SW/4, SE/4 and the S/2, SW/4 of Section 26, N/2, NE/4, NE/4, Section 34, N/2, NW/4 and the N/2, SE/4, NW/4 and the W/2, NE/4, Section 35, T4S, R29E, MDB&M (Figure 4.1-19).

An exemption to the prohibition against discharge of waste from new septic/leaching systems may be granted by the Regional Board's Executive Officer after presentation by the proposed discharger of geologic and hydrologic evidence and an acceptable engineering design which sufficiently demonstrate that the use of the proposed leaching system will not, of itself or in conjunction with the use of other systems in the area, result in a pollution or nuisance, or other adverse affects to water quality or beneficial uses.

An exemption to the prohibition against discharge of waste from existing septic/leaching systems may be granted by the Regional Board's Executive Officer after presentation by the discharger of geologic and hydrologic evidence that the continued use of an existing leaching disposal system will not, individually or collectively, result in a pollution or nuisance, or other adverse affects to water quality or beneficial uses.

Amargosa Hydrologic Unit

(Figure 4.1-20)

1. The discharge of septic tank pumpings (septage) or chemical toilet wastes to other than a sewage treatment plant or certified waste hauler shall be prohibited as soon as a treatment plant for that particular regional service area has provided the capability of handling such wastes.

Searles Valley Hydrologic Area

(Figure 4.1-21)

1. The discharge of septic tank pumpings (septage) or chemical toilet wastes to other than a sewage treatment plant or certified waste hauler shall be prohibited as soon as a treatment plant for that particular regional service area has provided the capability of handling such wastes.

Antelope Hydrologic Unit

(Figure 4.1-22)

1. The discharge of waste to surface water is prohibited above elevation 3,500 feet.

An exemption to this prohibition may be granted whenever the Regional Board finds that the discharge of waste to surface waters will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses.

2. The discharge of septic tank pumpings (septage) or chemical toilet wastes to other than a sewage treatment plant or certified waste hauler shall be prohibited as soon as a treatment plant for the particular regional service area has provided the capability of handling such wastes.

Mojave Hydrologic Unit

(Figure 4.1-23 and 4.1-24)

1. The discharge of waste to surface water in the Mojave Hydrologic Unit that is tributary to the West Fork Mojave River or Deep Creek, above elevation 3,200 feet (approximate elevation of Mojave Forks Dam), is prohibited. This prohibition does not apply to stormwater discharges unless such discharges create a condition of pollution or nuisance. (Figure 4.1-23)

An exemption to this prohibition may be granted by the Regional Board whenever the Regional Board finds that the discharge of waste will not, individually or collectively, directly or indirectly, result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses.

2. The discharge of waste to land or water within the following areas is prohibited (Figure 4.1-23):
 - (a) The Silverwood Lake watershed
 - (b) The Deep Creek watershed above elevation 3,200 feet
 - (c) The Grass Valley Creek watershed above elevation 3,200 feet.

This prohibition does not apply to stormwater discharges unless such discharges create a condition of pollution or nuisance.

An exemption to this prohibition may be granted by the Regional Board whenever the Regional Board finds that the discharge of waste will not, individually or collectively, directly or indirectly, result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses.

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3. The discharge of waste from new leaching or percolation systems is prohibited in the following areas (Figure 4.1-23):

- (a) The Silverwood Lake watershed
- (b) Deep Creek and Grass Valley Creek watersheds above elevation 3,200 feet

For this prohibition, "new" systems are any installed after May 15, 1975.

An exemption to this prohibition may be granted whenever the Regional Board's Executive Officer finds that the operation of septic tanks, cesspools, or other means of waste disposal in a particular area will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses, and that the sewerage of such area would have a damaging effect upon the environment.

4. The discharge of wastes of sewage-bearing origin to surface waters in the Mojave Hydrologic Unit upstream of the Lower Narrows at Victorville is prohibited. (Figure 4.1-24)

An exemption to this prohibition may be granted by the Regional Board whenever the Regional Board finds that the discharge of waste will not, individually or collectively, directly or indirectly, result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses.

5. The discharge of waste within the following described area is prohibited (Figure 4.1-24):

The area generally north of State Highway Number 18 commonly known as Apple Valley Desert Knolls, included within the NE/4, Sec. 12; NW/4, NW/4, Sec. 12; NE/4, NW/4, Sec. 12; N/2, SE/4, NW/4, Sec. 12; N/2, SW/4, NW/4, Sec. 12; N/2, S/2, SE/4, NW/4, Sec. 12; N/2, N/2, Sec. 11; N/2, SW/4, NW/4, Sec. 11; N/2, N/2, SE/4, NE/4, Sec. 11; N/2, NE/4, Sec. 10; SW/4, NE/4, Sec. 10; N/2, NE/4, NW/4, SE/4, Sec. 10; NW/4, NW/4, SE/4, Sec. 10; N/2, SE/4, NE/4, Sec. 10; SW/4, SE/4, NE/4, Sec. 10; E/2, Sec. 3; Sec. 2; and Sec. 1 of T5N, R4W, SBB&M and the NW/4, Sec. 7; NW/4, Sec. 6; NE/4, Sec. 6; SW/4, Sec. 6; W/2, SE/4, Sec. 6; and the W/2, E/2, SE/4, Sec. 6 of T5N, R3W, SBB&M and the S/2, Sec. 36; S/2, S/2, NW/4, Sec. 36; S/2, S/2, NE/4, Sec. 35; SE/4, Sec. 35; S/2, SW/4, Sec. 35; and the NE/4, SW/4, Sec.

35 of T6N, R4W, SBB&M and the S/2, Sec. 31 of T6N, R3W, SBB&M.

An exemption to this prohibition may be granted by the Regional Board's Executive Officer for new or existing wastewater leaching or percolation (septic) systems after presentation by the proposed discharger of geologic and hydrologic evidence that leaching system disposal will not, individually or collectively, result in a pollution or nuisance, or other adverse effects to water quality or beneficial uses.

6. The discharge of septic tank pumpings (septage) and chemical toilet wastes to other than a sewage treatment plant or a certified waste hauler shall be prohibited as soon as a treatment plant for the particular regional service area has provided the capability of handling such wastes.